

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VICTOR ALLEN PENNELL,

Defendant-Appellant.

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UNPUBLISHED

October 3, 1997

No. 188704

Eaton Circuit Court

LC No. 94-000079 FH

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

In a 1994 jury trial, defendant was convicted of larceny from a person, and sentenced to probation. The sentencing in this case was consolidated with that in two other cases, one of which involved a conviction for unarmed robbery. The sentence information report was prepared only for the unarmed robbery offense, which was proper, as that offense carried the highest maximum possible sentence. *People v Gonzalez*, 197 Mich App 385; 496 NW2d 312 (1992).

Subsequently, defendant pleaded guilty to being a probation violator, and was sentenced in this case to four to ten years' imprisonment. He now appeals by right. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that his sentence is disproportionate because it is twice the guideline range if the guidelines are properly computed. However, the guidelines are completely irrelevant to probation violation sentencing, for any purpose whatsoever. *People v Williams*, 223 Mich App 409, 411; 566 NW2d 649 (1997). Defendant's sentence is properly reviewed only for abuse of sentencing discretion, and no such abuse has been established on this record.

At sentencing on the probation violation charges, no sentence information report was prepared. Although the guidelines are irrelevant to probation violation sentencing, by administrative order the Supreme Court has required that a sentence information report be completed for every case. Accordingly, although resentencing is unwarranted, this cause is remanded to the Eaton Circuit Court for preparation of an SIR and forwarding for statistical compilation purposes. *People v Yeoman*, 218 Mich App 406; 554 NW2d 577 (1996).

The probation violation adjudication and sentence are affirmed; the cause is remanded to the circuit court for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Henry W. Saad